



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

RQ-3

March 22, 2001

Michael Avella, Treasurer  
New York Republican Federal Campaign  
Committee  
315 State Street  
Albany, NY 12210

Identification Number: C00055582

Reference: 12 Day Pre-General Report (10/1/00-10/18/00)

Dear Mr. Avella:

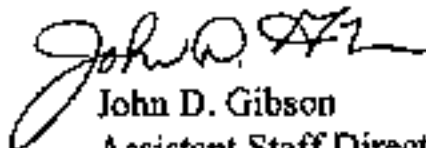
This letter is to inform you that as of March 21, 2001 the Commission has not received your response to our request for additional information, dated February 28, 2001. This notice requests information essential to full public disclosure of your federal election campaign finances. To ensure compliance with the provisions of the Federal Election Campaign Act (the Act), please respond to this request (copy enclosed).

The Commission is in receipt of your letter dated February 12, 2001 referencing the 2000 October Quarterly Report. Please be advised that in order to establish "best efforts" you still need to clarify that the follow up solicitation was sent within 30 days of the receipt of the contribution, that the return envelope was pre-addressed, and that the follow up did not contain additional solicitations. You should also address the remaining issues in our letter referenced above.

An adequate response must be received at the Commission by April 11, 2001. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

If you should have any questions regarding this matter, please contact Donald Averett on our toll-free number (800) 424-9530 (at the prompt press 1, then press 2 to reach the Reports Analysis Division) or our local number (202) 694-1130.

Sincerely,

A handwritten signature in dark ink, appearing to read "John D. Gibson", with a stylized flourish at the end.

John D. Gibson  
Assistant Staff Director  
Reports Analysis Division

Enclosure



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

Michael Avella, Treasurer  
New York Republican Federal Campaign  
Committee  
315 State Street  
Albany, NY 12210

FEB 28 2001

Identification Number: C00055582

Reference: 12 Day Pre-General Report (10/1/00-10/18/00)

Dear Mr. Avella:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Commission Regulations require that a committee disclose the identification of all individuals who contribute in excess of \$200 in a calendar year. (11 CFR §104.3(a)(4)(i)) Identification for an individual is defined as the full name, mailing address, occupation and name of employer. (11 CFR §100.12) Your report discloses contributions from individuals for which the identification is not complete.

You must provide the missing information, or if you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts," you must provide the Commission with a detailed description of your procedures for requesting the information. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the requirements of federal law for the reporting of such information. (11 CFR §104.7(b)(1))

Second, if the information is not provided, you must make one follow-up, stand alone effort to obtain this information, regardless of whether the

contribution(s) was solicited or not. This effort must occur no later than 30 days after receipt of the contribution and may be in the form of a written request or an oral request documented in writing. (11 CFR § 104.7(b)(2))  
The request must:

- clearly ask for the missing information, without soliciting a contribution;
- inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

Third, if you receive contributor information after the contribution(s) has been reported, you shall either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which additional information was received; or b) file on or before your next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR §104.7(b)(4))

Please provide the missing information or a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts," please refer to the Campaign Guide.

-You have received a contribution from Herrick, Feinstein LLP, which appears to be an unincorporated proprietorship or partnership. Generally, these types of contributions are to be attributed to each person based on their percentage of ownership in the firm. Each person who has contributed in excess of \$200 since January 1 should be identified by name, address, occupation, name of employer, amount of contribution, and aggregate total on Schedule A. 11 CFR §110.1(k) Please amend your report by providing the omitted information.

-Schedule A of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. 2 U.S.C. §441a(f) precludes a committee from accepting contributions from a person in excess of \$5,000 per calendar year. For your information, a partnership is included in the definition of "person" under 2 U.S.C. §431(11).

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. If you have received a contribution that exceeds the limits, you must transfer-out

the amount in excess of \$5,000 to an account not used to influence federal elections or refund the excessive amount to the donor in accordance with 11 CFR §103.3(b). In the best interest of your committee, all transfers-out and refunds should be made within sixty days of the treasurer's receipt of the contribution(s). In order to protect the donor's interests, the Commission recommends that you inform the contributor(s) in writing to provide the donor(s) with the option of receiving a refund or granting written authorization for a transfer to another account.

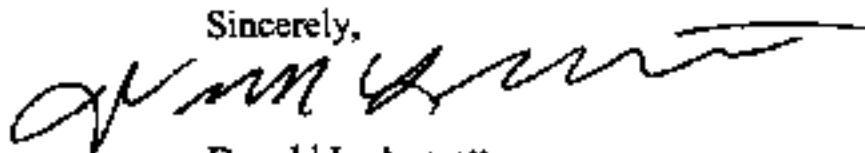
Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for the transfer-out or refund. In addition, any transfers-out or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report during which the transaction was made.

Although the Commission may take further legal action regarding the acceptance of an excessive contribution(s), your prompt transfer-out or refund of the excessive amount will be taken into consideration.

-Your EVENT YEAR-TO-DATE calculations for Administrative/Voter Drive are incorrect. EVENT YEAR-TO-DATE totals for administrative and voter drive costs are derived by aggregating all disbursements during the calendar year for the whole Administrative/Voter Drive category. EVENT YEAR-TO-DATE totals for fundraising, direct candidate support, and exempt activities are derived by aggregating all disbursements during the calendar year within a specific event. These should be calculated by adding the latest disbursement for a category or event to the previous EVENT YEAR-TO-DATE total for that category or event. This running EVENT YEAR-TO-DATE total should be disclosed after each disbursement is listed. Please amend your report by providing the correct EVENT YEAR-TO-DATE totals.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530 (at the prompt press 1, then press 2 to reach the Reports Analysis Division). My local number is (202) 694-1130.

Sincerely,



Donald L. Averett  
Reports Analyst  
Reports Analysis Division

## SCHEDULE A

## ITEMIZED RECEIPTS

Use separate schedule(s)  
for each category of the  
Detailed Summary PagePAGE 10 OF 22  
FOR LINE NUMBER 111a(1)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

## NAME OF COMMITTEE (In Full)

NY Republican Federal Campaign Committee

<b>A. Full Name, Mailing Address and Zip Code</b> Maureen Helmer 218 Juniper Lane Schenectady, NY 12306- Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	<b>Name of Employer</b> NYS Public Service Commission <b>Occupation</b> agency head <b>Aggregate Year-to-Date -&gt;</b> \$250.00	<b>Date (month, day, year)</b> 10/04/2000	<b>Amount of Each Receipt this Period</b> \$250.00
<b>B. Full Name, Mailing Address and Zip Code</b> Edward Serlin 85 Ransen Street Brooklyn, NY 11201- Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	<b>Name of Employer</b> Wachtell Lipton Rosen & Katz <b>Occupation</b> attorney <b>Aggregate Year-to-Date -&gt;</b> \$500.00	<b>Date (month, day, year)</b> 10/18/2000	<b>Amount of Each Receipt this Period</b> \$500.00
<b>C. Full Name, Mailing Address and Zip Code</b> Herrick, Feinstein LLP 2 Park Avenue New York, NY 10016- Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	<b>Name of Employer</b> Partnership Attribution Listed Individually <b>Occupation</b>  <b>Aggregate Year-to-Date -&gt;</b> \$10000.00	<b>Date (month, day, year)</b> 10/04/2000	<b>Amount of Each Receipt this Period</b> \$10000.00
<b>D. Full Name, Mailing Address and Zip Code</b> John Hilliard PO Box 1166 Yonkers, NY 12534- Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	<b>Name of Employer</b> NYS Dept of Motor Vehicles <b>Occupation</b> Deputy Commissioner <b>Aggregate Year-to-Date -&gt;</b> \$875.00	<b>Date (month, day, year)</b> 10/06/2000	<b>Amount of Each Receipt this Period</b> \$250.00
<b>E. Full Name, Mailing Address and Zip Code</b> Thomas Holmes 612 Juan Anasco Drive Longboat Key, FL 34228-1425 Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	<b>Name of Employer</b> USCO Logistic <b>Occupation</b> executive <b>Aggregate Year-to-Date -&gt;</b> \$2500.00	<b>Date (month, day, year)</b> 10/15/2000	<b>Amount of Each Receipt this Period</b> \$2500.00
<b>F. Full Name, Mailing Address and Zip Code</b> Susan Hug 85 E. End Avenue New York, NY 10028- Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	<b>Name of Employer</b>  <b>Occupation</b>  <b>Aggregate Year-to-Date -&gt;</b> \$600.00	<b>Date (month, day, year)</b> 10/13/2000	<b>Amount of Each Receipt this Period</b> \$600.00
<b>G. Full Name, Mailing Address and Zip Code</b> John Hopper 105 67th Street New York, NY 10021-5901 Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	<b>Name of Employer</b> Retired <b>Occupation</b>  <b>Aggregate Year-to-Date -&gt;</b> \$500.00	<b>Date (month, day, year)</b> 10/04/2000	<b>Amount of Each Receipt this Period</b> \$500.00

SUBTOTAL of Receipts This Page (optional)

514600.00

TOTAL This Period (Last page this line number only)

